IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9236 of 2005

Between:

Tallapaneni Madhusudan Rao S/o. Krishna Murhty, Hindu
Jaladanki (M), Timmasamudram, Jaladanki Mandal, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Kavali (M), Nellore District.
3 The Mandal Revenue Officer, Jaladanki Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, Declare the inaction on the part of the Ist respondent in considering and disposing the appeal/ representation made by the petitioner dt. 8-4-2005 amounts to erroneous, arbitrary and violative of Arts. 14 & 19 & 21 of the Constitution of India and consequently direct the respondents to delete the names of the voters as stated in the petition made by the petitioner dt. 8-4-2005 to the Ist Respondent of the Water Users Association, Timmasamudram Tank, Timmasamudram Village, Jaladanki Mandal, Nellore District and to pass necessary order or orders as this Hon'ble Court may deem fit.

Counsel for the Petitioner: MR.T.C.KRISHNAN

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the stage of admission made the following :

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 9236 OF 2005.

ORAL ORDER:

Petitioner seeks declaration that the action of the respondents in holding elections for the Timmasamudram village Water Users Association on 25.4.2005 pending his appeal as illegal and arbitrary and contrary to the A.P. Farmers' Management of Irrigation Systems (Delineation and formation of Water Users Associations) Rules, 2003.

As seen from the record, the voters' list was published on
2-4-2005 and that the petitioner filed his objections before the District Collector on the same day i.e. on 8.4.2005 i.e. within seven days as prescribed under the amended Rule 10 of the Rules, for correction of the voters' list, but the same was not considered.

Having regard to the said facts and circumstances, since the petitioner has filed his objections within the time limit, the District Collector is hereby directed to dispose of the objections/appeals preferred by the petitioner before 25.4.2005, in accordance with law.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

21-04-2005

Note:

Issue operative portion of the

Order on wire at party's cost.

B/0 kvsn.

To

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Kavali (M), Nellore District.
3 The Mandal Revenue Officer, Jaladanki Mandal, Nellore District.

4 Two CCs to GP FOR IRRIGATION & COMM AREA DEV. High Court buildings, Hyderabad

5 Two CD copies.